

10
YOUNG & LAZZARINI
KENRICK YOUNG (CSB #236032)
NICHOLAS LAZZARINI (CSB #259247)
 770 L Street, Suite 950
 Sacramento, California 95814-7717
 916.929.6865 (tel)
 916.471.0377 (fax)
 info@kenrickyoung.com

Attorneys for Creditor Kenny Kwong, an individual

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re:	) Case No. 20-22156
)
	) Chapter 11
)
	) DCN: KKY-002
)
	) SUPPLEMENTAL DECLARATION
EURISKO DEVELOPMENT LLC,	) OF KEVIN TERRY IN SUPPORT
	) OF MOTION FOR “IN REM”
	) RELIEF FROM AUTOMATIC
	) STAY
	) (11 U.S.C. § 362 and FRBP 4001)
	) (LBR 4001-1 and 9014-1(f)(1))
)
	) Date: June 2, 2020
Debtor.	) Time: 9:30 a.m.
	) Place: United States Bankruptcy Court
	) 501 I Street, 6th Floor, Ctrm. 32
	) Sacramento, CA 95814
	) Hon. Christopher D. Jaime

1 I, Kevin Terry, hereby declare as follows:

2 1. I am the authorized agent for secured creditor Kenny Kwong (the
3 “Movant”) in the above-captioned bankruptcy case. I am over 18 years of age.
4 Unless otherwise set forth herein, I have personal knowledge of the facts set forth
5 herein and, if called to testify, would and could competently testify thereto, except as
6 to those matters stated upon information and belief, which I believe to be true.

7 2. On April 23, 2020, Movant filed his Motion for In Rem Relief from the
8 Automatic Stay (the “Motion”). (Docket # 9). The Motion concerns real property
9 located at 9 La Noria, Orinda, California 94563 (APN 262-141-014) (the “Property”).

10 3. Based upon information and belief, on or about March 19, 2019,
11 Premier Money Source, representing a syndicate of investors, provided a loan of
12 \$1,135,000 under a First Note and Deed of Trust (the “First DOT”) to Eurisko
13 Development LLC, a Nevada limited liability company (“Eurisko”), for the purchase
14 of the Property. A true and correct copy of the First DOT is attached to the Index of
15 Exhibits in Support of Motion for Relief from Automatic Stay (the “Exhibits”) as
16 Exhibit A.

17 4. On or about May 10, 2019, Movant provided a loan of \$278,000 to
18 Eurisko under a Second Note and Deed of Trust (the “Second DOT”) for the purpose
19 of reasonable rehabilitation and renovation of the Property. A true and correct copy
20 of the Second DOT is annexed to the Exhibits as Exhibit B.

21 5. On May 13, 2020, following the May 12, 2020 dismissal of the above-
22 captioned bankruptcy matter, Movant commenced foreclosure proceedings on the
23 Property pursuant to the Second DOT.

24 6. Following the foreclosure proceedings, a Trustee’s Deed Upon Sale was
25 issued and recorded in Contra Costa County on May 18, 2020 (the “Sale Deed”)
26 showing transfer of the Property from Eurisko to Kenny Kwong. A true and correct
27 copy of the Sale Deed is annexed to this declaration as Exhibit AA.

28 7. Movant has taken possession of the Property pursuant to the Sale Deed.

9. I am informed and believe Mr. Scott has committed acts of vandalism on the Property by removing plywood coverings securing the windows and attempting to enter the Property. A true and correct copy of a police report filed in response to the vandalism is annexed to this declaration as Exhibit BB.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 26, 2020 at Sacramento, California.

KEVIN TERRY

EXHIBIT AA

20209009376500004

CONTRA COSTA Co Recorder Office

DEBORAH COOPER, Clerk-Recorder

DOC 2020-0093765-00

Acct 1066-SIMPLIFILE Pacific Coast Title Orange CA

Monday, MAY 18, 2020 13:04:39

SB2 \$75.00|MOD \$4.00|REC \$14.00

FTC \$3.00|DAF \$2.70|REF \$0.30

MIC \$1.00|ERD \$1.00|S30 \$10.00

Ttl Pd \$111.00 Nbr-0003775627

MSN/RC/1-4

RECORDING REQUESTED BY:

California TD Specialists

AND WHEN RECORDED TO:

AND MAIL TAX STATEMENT TO:

KENNY Y KWONG

906 CENTRAL AVENUE

ALAMEDA CA 94501

Forward Tax Statements to

the address given above

SPACE ABOVE LINE FOR RECORDER'S USE

TS #: 84009

Order #: 95522589

Loan #: 399240279

TRUSTEE'S DEED UPON SALE

A.P.N.: 262-141-014

Transfer Tax: \$0.00

THIS TRANSACTION IS EXEMPT FROM THE REQUIREMENTS OF THE REVENUE AND TAXATION CODE, SECTION 480.3

The Grantee Herein was the Foreclosing Beneficiary.

The Amount of the Unpaid Debt was \$313,111.54

The Amount Paid by the Grantee was \$313,111.54

Said Property is in the City of **ORINDA**, County of **Contra Costa****CALIFORNIA TD SPECIALISTS**, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby **GRANT** and **CONVEY** to**KENNY Y. KWONG, A MARRIED MAN, AS HIS SOLE AND SEPARATE PROPERTY**(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of **Contra Costa**, State of California, described as follows:**See Exhibit "A" Attached Hereto And Made A Part Hereof.**

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by **EURISKO DEVELOPMENT LLC, A NEVADA LIMITED LIABILITY COMPANY** as Trustor, dated **5/10/2019** of the Official Records in the office of the Recorder of **Contra Costa**, California under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on **5/15/2019**, instrument number **2019-0070185-00**, Book **N/A**, Page **N/A** of official records. Trustee having complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

Forward Tax Statements to the address given above



84009



TS-TDUS

Trustee's Deed Upon Sale (CA)

131003

TRUSTEE'S DEED UPON SALE

TS #: 84009

Loan #: 399240279

Order #: 95522589

All requirements per California Statutes regarding the mailing, personal delivery and publication of copies of Notice of Default and Election to Sell under Deed of Trust and Notice of Trustee's Sale, and the posting of copies of Notice of Trustee's Sale have been complied with. Trustee, in compliance with said Notice of Trustee's sale and in exercise of its powers under said Deed of Trust sold said real property at public auction on **5/13/2020**. Grantee, being the highest bidder at said sale became the purchaser of said property for the amount bid, being **\$313,111.54**, in lawful money of the United States, in pro per, receipt thereof is hereby acknowledged in full/partial satisfaction of the debt secured by said Deed of Trust.

In witness thereof, **CALIFORNIA TD SPECIALISTS**, as Trustee, has this day, caused its name to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws.

Date: 5/13/2020

CALIFORNIA TD SPECIALISTS, AS TRUSTEE

By: _____

Patricio S. Ince', Vice President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF California
COUNTY OF Orange

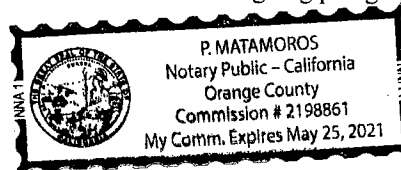
On 5/13/2020 before me, P. Matamoros Notary Public Personally appeared, Patricio S. Ince', who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



(Seal)

TS# 84009

APN # 262-141-014

LEGAL DESCRIPTION

EXHIBIT "A"

PARCEL ONE:

PORTION OF LOTS 368, 369 AND 370, AS SHOWN ON THE MAP OF UNIT NO. 3, HACIENDAS DEL ORINDA, FILED FEBRUARY 16, 1925, MAP BOOK 19, PAGE 473, CONTRA COSTA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE CENTER LINE OF THE ROAD KNOWN AS LA NORIA, LOCATED THEREON NORTH 61° 20' EAST DISTANT 79 FEET FROM THE MOST SOUTHERLY CORNER OF LOT 370, AS THE SAID ROAD AND LOT ARE SHOWN ON SAID MAP (19 M 473), AND RUNNING THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE CENTER LINE OF THE SAID LA NORIA, THE FOLLOWING COURSES AND DISTANCES: NORTH 61° 20' EAST, 26 FEET, AND NORTHEASTERLY AND TANGENT TO THE LAST MENTIONED COURSE ALONG THE ARC OF A CIRCLE TO THE RIGHT, WITH A RADIUS OF 194 FEET, A DISTANCE OF 49 FEET; THENCE LEAVING THE CENTER LINE OF THE SAID LA NORIA AND RUNNING NORTH 24° 31' 40" WEST, 173.1 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A CIRCLE TO THE RIGHT, WITH A RADIUS OF 103 FEET, A DISTANCE OF 5.02 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 54° 00' 12" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF A COMPOUND CIRCLE TO THE RIGHT, WITH A RADIUS OF 295 FEET, A DISTANCE OF 69.98 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 62° 11' 45" WEST; THENCE SOUTH 24° 29' 20" EAST, 167.35 FEET TO THE POINT OF COMMENCEMENT.

PARCEL TWO:

PORTION OF LOTS 367, 368 AND 370, AS SHOWN ON THE MAP OF UNIT NO. 3, HACIENDAS DEL ORINDA, FILED FEBRUARY 16, 1925, MAP BOOK 19, PAGE 473, CONTRA COSTA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE CENTER LINE OF THE ROAD KNOWN AS LA NORIA, AT THE MOST SOUTHERLY CORNER OF LOT 370, AS THE SAID ROAD AND LOT ARE SHOWN ON SAID MAP (19 M 473), AND RUNNING THENCE FROM SAID POINT OF COMMENCEMENT, ALONG THE CENTER OF THE SAID LA NORIA, NORTH 61° 20' EAST, 79 FEET; THENCE LEAVING THE CENTER LINE OF THE SAID LA NORIA, AND RUNNING NORTH 24° 29' 20" WEST, 167.35 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF A CIRCLE TO THE RIGHT, WITH A RADIUS OF 295 FEET, A DISTANCE OF 73.65 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 76° 08' 37" WEST, TO A POINT ON THE NORTHERLY PRODUCTION OF THE WESTERLY BOUNDARY LINE OF THE SAID LOT 370; THENCE RUNNING ALONG THE NORTHERLY PRODUCTION OF THE SAID WESTERLY BOUNDARY LINE AND CONTINUING ALONG THE SAID WESTERLY BOUNDARY LINE SOUTH 22° 28' 05" EAST, 186.77 FEET TO THE POINT OF COMMENCEMENT.

PARCEL THREE:

RIGHT OF WAY CREATED IN REFERENCE TO PARCELS ONE AND TWO ABOVE IN THE DEED FROM NILS O. EKLUND, JR., ET AL, TO WILLIAM EDWARD KILGO, ET UX, RECORDED JUNE 3, 1959 IN BOOK 3385 OF OFFICIAL RECORDS, PAGE 489, AS FOLLOWS:

"A RIGHT OF WAY (NOT TO BE EXCLUSIVE) FOR USE AS A ROADWAY FOR VEHICLES OF ALL KINDS, PEDESTRIANS AND ANIMALS, FOR WATER, GAS, OIL AND SEWER PIPE LINES AND FOR TELEPHONE, TELEVISION SERVICE, ELECTRIC LIGHT AND POWER LINES, TOGETHER WITH THE NECESSARY POLES OR CONDUITS OVER A PORTION OF LOTS 367 AND 368, AS DESIGNATED ON THE MAP ENTITLED 'UNIT NO. 3, HACIENDAS DEL ORINDA, CONTRA COSTA COUNTY, CALIFORNIA', WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE

LEGAL DESCRIPTION CONTINUED

COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ON FEBRUARY 16, 1925 IN VOLUME 19 OF MAPS, AT PAGE 473, BEING OVER A STRIP OF LAND DESCRIBED AS FOLLOWS:
"BEGINNING AT THE NORTHWEST CORNER OF LOT 370, AS DESIGNATED ON SAID MAP (19 MAPS 473); THENCE FROM SAID POINT OF BEGINNING NORTH 87° 49' 50" EAST ALONG THE NORTH LINE OF SAID LOT 370, 34.51 FEET; THENCE NORTH 67° 43' 30" EAST, 63.5 FEET; THENCE NORTH 58° 47' EAST, 26.65 FEET; THENCE NORTH 53° 42' EAST, 31.6 FEET; THENCE NORTH 38° 57' 40" EAST, 58.75 FEET TO THE SOUTHWEST LINE OF A COUNTY ROAD KNOWN AS LA SENDA; THENCE ALONG SAID SOUTHWEST LINE WESTERLY ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 140 FEET, THE CENTER OF WHICH BEARS SOUTH 26° 17' 08" WEST, AN ARC DISTANCE OF 14.87 FEET TO A POINT FROM WHICH THE CENTER OF A REVERSE CURVE TO THE RIGHT WITH A RADIUS OF 175 FEET BEARS NORTH 20° 12' EAST; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT WITH A RADIUS OF 175 FEET, AN ARC DISTANCE OF 8.13 FEET TO A POINT FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 22° 51' 47" EAST; THENCE SOUTH 36° 43' WEST, 50.12 FEET; THENCE SOUTH 53° 42' WEST, 27.72 FEET; THENCE SOUTH 58° 47' WEST, 24.2 FEET; THENCE SOUTH 67° 43' 30" WEST, 33.90 FEET; THENCE NORTH 84° 11' 24" WEST, 29.83 FEET; THENCE SOUTHWESTERLY IN A DIRECT LINE TO THE POINT OF BEGINNING. EXCEPTING FROM PARCEL THREE: THOSE PORTIONS THEREOF LYING WITHIN THE LINES OF PARCELS ONE AND TWO ABOVE DESCRIBED.

EXHIBIT BB

CONTRA COSTA COUNTY SHERIFF'S OFFICE SUMMARY INCIDENT REPORT



REPORT NUMBER: 200800339

INCIDENT INFORMATION

INCIDENT CODE 594M	INCIDENT TYPE Vandalism Misd.	INITIAL SUPP <input checked="" type="checkbox"/>	DATE/TIME STARTED 05/19/2020 07:06 PM	DATE/TIME ENDED 05/19/2020 07:45 PM	DATE/TIME REPORTED 05/19/2020 11:34 PM
REPORT FILED FROM ***	TRACKING NUMBER T20000336	LOCATION OF OCCURRENCE 9 LA NORIA, ORINDA, CA 94563			APPROVED BY: 71140/Jeffrey Hagstrom
LOCATION TYPE Residential-house	THEFT TYPE	METHOD OF ENTRY	METHOD OF EXIT	PT OF ENTRY	PT OF EXIT
ENTRY LOC					

PERSON LISTINGS

TYPE	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	RACE	SEX	DRIVER LIC NO	LIC ST
VIC	Kwong	Kenny		***	***	*	***	***
SSN	ETHNICITY	RESIDENT	EYE COLOR	HAIR COLOR	AGE	HEIGHT	WEIGHT	CELL PHONE
1								
EMAIL kykwong1711@gmail.com		RESIDENCE ADDRESS ***					HOME PHONE ***	
EMPLOYER NAME N/A		BUSINESS ADDRESS ***					WORK PHONE	

NARRATIVE

I recent brought this house (9 La Noria) at the public auctions as a foreclosed property. Upon multiple inspections, this looks like an abandoned house. I hired a crew to board it up with plywood as a method to preserve it until I figure out what to do with it. Today, I drove by the house and noticed some of the plywood had been taken down. I suspected someone might broken into the house to either look for valuables or take shelter. I called the Orinda Police department immediately, and they arrived shortly after. Upon thorough inspection, there is nobody inside. Not sure if anything valuable is missing, as I had just bought this house, and it looks like an abandoned, unfinished construction site, and there is nothing of value other than the house itself. I paid \$2,100 to have the house boarded up, and now the boards were taken down and broken, this is an act of vandalism. I just want to report this incident in case in the future someone breaks in again, and try to claim residence there. They are trespassing and vandalizing my property!